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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Arbitration Between
Mitsubishi Heavy Industries, Ltd. and
Mitsubishi Power Systems Americas, Inc.,

Petitioners,

And

Stone & Webster, Inc.

Respondent.

08 Civ. 509 (JGK) (JCF)

**AFFIRMATION OF PHILIP R. WHITE IN
SUPPORT OF MOTION TO VACATE AN
ARBITRAL AWARD PURSUANT TO 9
U.S.C. §10**

I, Philip R. White, Esq., hereby affirm that:

1. I am a member of the law firm of Sills Cummis & Gross P.C., counsel for Petitioners Mitsubishi Heavy Industries, Ltd. and Mitsubishi Power Systems Americas, Inc. (collectively, "Mitsubishi") in the above-captioned matter. I submit this affirmation in support of Petitioners' Motion to Vacate an Arbitral Award Pursuant to 9 U.S.C. §10.
2. Attached hereto as Exhibit A is a true and correct copy of the opinion dated October 26, 2007 of the majority of the arbitral tribunal in the arbitration proceeding captioned *In the Matter of the Arbitration between: Stone & Webster, Inc. vs. Mitsubishi Heavy Industries, Ltd. and Mitsubishi Power Systems America, Inc.*, ICDR Case No. 50 T 198 00414 03 (the "Arbitration").

3. Attached hereto as Exhibit B is a true and correct copy of the dissenting opinion dated November 14, 2007 of Arbitrator Edward F. Vena, Esq. in the Arbitration.

4. Attached hereto as Exhibit C is a true and correct copy of the Agreement for Engineering, Design and Procurement Support Services between National Energy Production Corporation (NEPCO) and Parsons Energy & Chemicals Group Inc. (Contractor), Dated as of August 8, 2000.

5. Attached hereto as Exhibit D is a true and correct copy of the Contract Between AES Wolf Hollow, L.P. ("Purchaser") and Mitsubishi Heavy Industries, Ltd. ("Supplier") for the Supply of 2 M501G Combustion Turbine Generators and 1 Steam Turbine Generator for the AES Wolf Hollow Plant, dated January 31, 2001, together with select portions of Appendices thereto.

6. Attached hereto as Exhibit E is a true and correct copy of the Contract Between AES Wolf Hollow, L.P. ("Purchaser") and Mitsubishi Heavy Industries America, Inc. ("Supplier") for the Supply of 2 Heat Recovery Steam Generators and Auxiliaries for the AES Wolf Hollow Plant, dated January 31, 2001, together with select portions of Appendices thereto.

7. Attached hereto as Exhibit F is a true and correct copy of selected portions of Respondent's Statement of Case, dated 1 March 2005, submitted in the Arbitration.

8. Attached hereto as Exhibit G is a true and correct copy of Plaintiff's Second Amended Petition in litigation captioned *Stone & Webster, Inc. v. AES Frontier, L.P., AES Wolf Hollow, L.P. and Parsons Energy & Chemicals Group, Inc.*, Cause No. C20-2459, 355th Judicial District, Hood County, Texas.

9. Attached hereto as Exhibit H is a true and correct copy of the Letter from Ronnie Volentine to Mr. Fang Qing, AES Wolf Hollow L.P., dated January 9, 2003, submitted in the Arbitration as Exhibit 113 to Respondents' Statement of Case, dated 1 March 2005.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 2008
New York, New York



PHILIP R. WHITE

**Exhibits A-H of
White Affirmation to be filed
in hard copy pursuant to
stipulation of the parties**